

FILED

JUN 16 2011

DAVID CREWS, CLERK
BY [Signature] Deputy

**IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**ESTATE OF JAMES HAWKINS, BY AND THROUGH
THE ADMINISTRATRIX, REBECCA HAWKINS**

PLAINTIFF

VS.

CAUSE NO.: 2:11-CV-132-MPM-D

**GGNSC BATESVILLE, LLC d/b/a
GOLDEN LIVING CENTER - BATESVILLE**

DEFENDANT

NOTICE OF REMOVAL

COMES NOW Defendant GGNSC Batesville, LLC d/b/a Golden Living Center – Batesville (“GGNSC” or “Defendant”), by and through counsel, and files this its Notice of Removal of this action to the United States District Court for the Northern District of Mississippi, Delta Division, and sets forth the following grounds for removal, to-wit:

1. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

2. Plaintiff Estate of James Hawkins, By and Through the Administratrix, Rebecca Hawkins (“Plaintiff”) filed this action against Defendant on or about May 19, 2011 in the Circuit Court of Panola County, Mississippi. Defendant was served with process on May 27, 2011. Pursuant to the provisions of §§ 1441 and 1446 of Title 28 of the United States Code, Defendant timely removes this action to the United States District Court for the Northern District of Mississippi, Delta Division, which is the judicial district and division in which the action is pending.

2. This action alleges a claim for damages based upon alleged medical negligence at GGNSC on or about May 27, 2009.

3. Plaintiff was at the time of the commencement of the action a citizen of the State of Mississippi. GGNSC is a Delaware limited liability company with its principal place of business located in the State of Delaware. There is complete diversity of citizenship, therefore, between the Defendant and Plaintiff.

4. Removal of this action to the United States District Court is proper under 28 U.S.C. § 1441(a) and (b), given that there is complete diversity of citizenship between Plaintiff and the Defendant, as the Defendant is not a citizen of the State of Mississippi. The United States District Court would, therefore, have had original jurisdiction of this matter pursuant to 28 U.S.C. § 1332 had the action originally been filed in Federal Court. Defendant's Notice of Removal is timely because the Notice was filed in this Court within thirty (30) days after receipt by the Defendant "of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable. . . ". 28 U.S.C. § 1446(b). Defendant files a copy of all process, pleadings and orders served on said Defendant in the action. Further, the complete file of the Panola County Circuit Court will be filed once provided by that Court.

WHEREFORE PREMISES CONSIDERED, Defendant GGNSC Batesville, LLC d/b/a Golden Living Center - Batesville prays that this Court will exercise jurisdiction and proceed with the handling and disposition of this case, and all claims asserted herein, and that all further proceedings in the Circuit Court of Panola County, Mississippi be hereby stayed.

Respectfully submitted this the 15th day of June, 2011.

**GGNSC BATESVILLE, LLC D/B/A
GOLDEN LIVING CENTER –
BATESVILLE, Defendant**

By: 

**L. BRADLEY DILLARD
Mississippi Bar No. 10114**

OF COUNSEL:

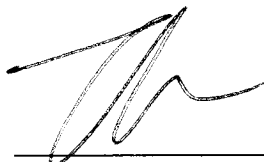
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CERTIFICATE OF SERVICE

I, L. BRADLEY DILLARD, one of the attorneys for Defendant GGNSC Batesville, LLC d/b/a Golden Living Center – Batesville do hereby certify that I have this date forwarded, via U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing Notice of Removal to the following counsel:

Levi Boone, III, Esq.
Boone Law Firm, P.A.
P.O. Box 1772
Cleveland, MS 38732

THIS the 15th day of June, 2011.



L. BRADLEY DILLARD